

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NOKIA CORPORATION and NOKIA,	:	
INC.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-16-JJF
	:	
INTERDIGITAL COMMUNICATIONS	:	
CORPORATION and INTERDIGITAL	:	
TECHNOLOGY CORPORATION,	:	
	:	
Defendants.	:	

ORDER

WHEREAS, Defendants Interdigital Communications Corporation and Interdigital Technology Corporation have filed a Motion for Leave Of Court To File Motion For Summary Judgment (D.I. 86);

WHEREAS, by its Motion Defendants' contend that, pursuant to Special Master Seitz's First Discovery Order of June 12, 2006 (D.I. 55), Plaintiffs Nokia Corporation and Nokia, Inc. were required to provide an exhaustive list of statements supporting Plaintiffs' Lanham Act claim, and that, as a matter of law, none of those statements are actionable under the Lanham Act;

WHEREAS, on November 14, 2006, Special Master Seitz determined that Plaintiffs provided a list of statements in compliance with the First Discovery Order, "to the extent of [their] present knowledge," and without the benefit of complete discovery from Defendants (D.I. 71 at 3);

WHEREAS, the Court concludes that, because Plaintiffs have not had the benefit of complete discovery from Defendants,

Plaintiffs cannot be limited to the current list of statements provided pursuant to the First Discovery Order, but must be given the opportunity to rely on other statements that may be uncovered during discovery;

WHEREAS, Defendants' Motion For Leave To File Motion For Summary Judgment is, therefore, premature;

NOW THEREFORE IT IS HEREBY ORDERED that the Motion For Leave To File Motion For Summary Judgment filed by Defendants Interdigital Communications Corporation and Interdigital Technology Corporation is DENIED.

March 22, 2007

DATE

Joseph J. Fauman Jr.
UNITED STATES DISTRICT JUDGE